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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 WILLIAM R. CLAYTON, et al.,

11 Plaintiff,

12 v.

13 AIR & LIQUID SYSTEMS
14 CORPORATION, et al.,

15 Defendants.

CASE NO. C18-0748JLR

ORDER GRANTING IN PART
AND DEYING IN PART
MOTION TO CONTINUE TRIAL

16 Discovery closed in this matter on June 3, 2019. (Sched. Order (Dkt. # 49).) On
17 June 12, 2019, Plaintiffs William R. Clayton and Jill D. Clayton (collectively,
18 “Plaintiffs”) filed a motion to amend their complaint to re-plead the case as a wrongful
19 death and survivorship action. (Mot. to Am. (Dkt. # 103).)¹ At a Status Conference held
20 on July 24, 2019 (*see* Dkt. # 130), the court warned Plaintiffs that adding claims in an
21 amended complaint would likely result in a trial date continuance. On August 12, 2019,
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¹ Mr. Clayton passed away on May 28, 2019. (*See* Mot. to Am. at 1.)

1 the court granted Plaintiffs' motion to amend their complaint. (8/12/2019 Order (Dkt.
2 # 142).) Plaintiffs filed their first amended complaint for wrongful death and
3 survivorship on August 13, 2019 (FAC (Dkt. # 143)), and subsequently filed a corrected
4 first amended complaint on August 15, 2019 (Corrected FAC (Dkt. # 146)). The
5 corrected amended complaint alleges that "William Clayton's other statutory
6 beneficiaries have sustained loss of personal consortium in an amount to be proven at
7 trial." (Corrected FAC at 3:18-19.) This is an addition to the prior operative complaint.
8 (*See* SAC (Dkt. # 1-1).)

9 On August 8, 2019, Defendant Syd Carpenter Marine Contractor, Inc. ("Syd
10 Carpenter") filed a motion to continue the trial date on the ground that "[t]he nature of the
11 damages and claims have changed in light of Mr. Clayton's passing." (Mot. to Continue
12 (Dkt. # 139) at 1:24-25.) The court GRANTS in part and DENIES in part the motion to
13 continue the trial date as set forth below. The Clerk is directed to set a new trial date at
14 the end of the court's trial calendar and a corresponding pretrial schedule. All pretrial
15 deadlines that have passed will not be rescheduled except that the court allows Syd
16 Carpenter to conduct limited discovery on Mrs. Clayton and the two Clayton heirs on the
17 issue of damages. Any such discovery must be completed by November 18, 2019. If a
18 party wishes to conduct limited discovery on the issue of Mr. Clayton's cause of death,

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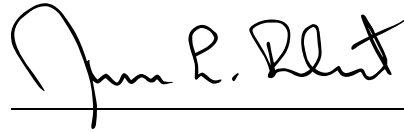
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1 the court will entertain a motion on that issue. To the extent the parties believe any
2 additional discovery is warranted, they should file a motion demonstrating good cause.

3 Dated this 18th day of August, 2019.

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6 JAMES L. ROBART
7 United States District Judge
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